

**House Armed Services Committee
Member Day Hearing
Tuesday, May 16, 2023**

Testimony of Rep. Mike Levin (CA-49)

Thank you, Chairman Rogers and Ranking Member Smith, for the opportunity to testify today. Some of the top priorities that I hear about from my constituents in and around Camp Pendleton are issues that come before this committee, so I am grateful for the opportunity to elevate their voices here today.

As previously Chair, and now Ranking Member, of the House Veterans' Affairs Economic Opportunity Subcommittee, I have remained focused on improving the transition process for servicemembers separating from the military. It is critical that they have effective support to transition into civilian life, and the Transition Assistance Program (TAP) is a fundamental part of the process. Many of the veterans who have fallen on hard times are case studies of how we can improve TAP to get and keep veterans employed, housed, and educated. It is no secret that our military is in a recruitment crisis, and there is no better way to show potential recruits the value of military service than every veteran having a good paying job the day they start their civilian lives.

For this reason, I developed the bipartisan *Transition Improvement by Estimating Risk (TIER) Act* with my friend Rep. Arrington (R-TX). The *TIER Act* builds on Section 552 of the *John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year 2019*, which required each military service secretary to establish at least three pathways for their members receiving individualized TAP counseling. Those pathways, also known as tiers, indicate a servicemember's potential risk during the transition process and the level of support they will need. Counselors assign each servicemember to a tier based on several factors. While this was a significant improvement, we still hear from recently transitioned veterans that TAP did not adequately address their unique circumstances. We must further evolve TAP towards a culture of recognizing and supporting each transitioning servicemember as a unique individual.

The *TIER Act* does this by adding new screening criteria to better determine a servicemember's appropriate pathway and risk level. Those new criteria – which include childcare needs, the employment status of other household members, the servicemember's duty station location, the effects of operating tempo and personnel tempo on the servicemember, and whether the servicemember is covered under the *Indian Health Care Improvement Act* – can contribute to or alleviate transition risk. The legislation also addresses confusion around existing disability and discharge factors. With these basic fixes to place servicemembers in the correct pathway and engage on their specific needs, we can significantly improve the program and help ensure more servicemembers go on to successful civilian careers and lives.

Section 552 of the FY19 NDAA also required that TAP counseling begin no later than 365 days before transition. Unfortunately, a December 2022 Government Accountability Office (GAO) report found that nearly 25% of servicemembers in the highest risk level did not attend a mandatory two-day class, and 70% of servicemembers did not start the program at least one year

before separation. GAO made several recommendations to rectify these shortfalls, all of which DOD concurred with. I urge the committee to join me in closely monitoring DOD's implementation of these recommendations and ensuring compliance with the law is achieved.

I am aware of the challenges that commanders face in giving their unit members time to prepare for civilian life, while balancing the vast responsibility of providing for our nation's defense. That is why I recommend this committee modernize how we measure unit force structure. No servicemember should be denied a quality transition because their commander can't spare them for a small amount of time. I suggest the committee consider ways we can backfill these transitioning servicemember's positions earlier in the process so they can better focus on their stressful transition period.

Another issue that I hear about from my constituents is the need to ensure the Basic Allowance for Housing (BAH) for servicemembers who live off base is on par with housing costs. Between 2005 and 2015, BAH was calculated to cover 100 percent of local average housing costs. However, the FY2015 NDAA authorized a reduction, and current Department of Defense (DOD) policy provides a BAH intended to cover only 95 percent of local average housing costs. I appreciate that this Committee's FY23 NDAA report expressed concerns regarding housing affordability for servicemembers and encouraged DOD to consider restoring BAH to 100%. I hope the Department will make this important change, but if necessary, I ask that the Committee require such restoration in statute.

While BAH rates are generally determined annually, Section 605 of the FY2020 NDAA authorized DOD to temporarily adjust BAH mid-year if housing costs differ from BAH rates by more than 20%. This authority was initially granted until September 30, 2022, and later extended to December 31, 2023. I thank the Committee for allowing DOD to respond more quickly to market fluctuations in the costs of adequate housing. However, many of my constituents were distressed to learn that the Camp Pendleton military housing area (MHA) was not included in the 2022 temporary adjustment. This was because average rental costs increased by 17% – still a significant increase that amounts to hundreds of dollars, which military families should not have to foot the bill for. Therefore, I urge the committee to lower the statutory threshold from 20% and make this authority permanent.

I also want to highlight the importance of combatting hunger among our military families. It is unacceptable that nearly one in seven military families face food insecurity. The men and women who risk their lives for our country should never struggle to put food on the table. That's why I introduced the *Military Dependents School Meal Eligibility Act* last Congress, which would stop counting servicemembers' BAH as part of their income when determining eligibility for school meal programs. This bill would also automatically enroll the children of eligible active duty servicemembers in the school meals program. While we must do more to improve the financial security of those in uniform, this is an important step towards ensuring military parents around Camp Pendleton and across the country can focus on fulfilling their mission rather than on where their kids will find their next meal. I look forward to working with my colleagues across the aisle as we reintroduce this bipartisan bill to enact it into law.

We must also do more to address military sexual assault, including measures to improve data collection to understand the scope of the problem. The Armed Forces Workplace and Gender Relations Surveys solicit information on gender issues, including issues relating to gender-based harassment, assault, and discrimination. They are conducted every two years and are the main vehicle for estimating the unreported prevalence of sexual assault and harassment. The surveys currently cover issues pertaining to positive and negative trends for professional and personal relationships in the armed forces and specific types of assault that have occurred, among other issues. I have proposed legislation that would require the surveys to also solicit information on indicators of an assault that give reason to believe the victim was targeted, or discriminated against, or both, for a real or perceived status in a minority group based on race, color, national origin, religion, sex, and any other factor considered appropriate by the Secretary.

This is significant information that should be collected and analyzed – a 2021 RAND study of the Workplace and Gender Relations Surveys found that the minority of service members who do not describe themselves as heterosexual constitute almost half of the military’s sexual assault victims, and the Independent Review Commission on Sexual Assault in the Military recommended to “improve data collection, research, and reporting on sexual harassment and sexual assault to better reflect the experiences of Service members from marginalized populations.” I believe this legislation will support our ability to both better understand and address the sexual assault and sexual harassment too many U.S. servicemembers have faced.

I appreciate the work of this committee in supporting our servicemembers and military families and protecting our national security, and I thank my colleagues for their attention to the issues I’ve highlighted today.